

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

October 3, 2005

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Harder, Hartwell, Hentzen, Herzberg, Murabito, Willenberg, Youle

Staff Members Present: Deb Legge, Maria Bias, Elaine Hammons, Tom Kerschen

The regular meeting of the Board of Code Standards and Appeals was called to order by Board Member Murabito on Monday, October 3, 2005, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Since the election of Chairman and Vice-Chairman had not yet been held, Board Member Murabito served as Chairman.

1. Election of Officers.

Board Member Murabito asked for nominations for the position of Chairman and Vice Chairman.

Board Member Youle nominated Board Member Murabito; Board Member Hartwell seconded the nomination. Board Member Murabito nominated Board Member Youle for the position of Chairman; the nomination was seconded by Board Member Coonrod. A vote was taken for the election of Mr. Youle for the position of Chairman. Two Board Members voted in favor of electing Mr. Youle; the remaining seven Board Members voted in favor of Mr. Murabito. Receiving the majority of votes, Mr. Murabito was elected as Chairman of the Board of Code Standards and Appeals, and Mr. Youle was elected as Vice Chairman of the Board.

2. Approval of the minutes of the September 12, 2005, meeting.

A motion was made by Board Member Hartwell to approve the minutes of the September 12, 2005, meeting as submitted. The motion was seconded by Board Member Willenberg. The motion carried, unopposed.

3. Request by Wayland L. Walker, American Standard Roofing, to be allowed to be the qualified person for a second company, A-R Roofing (Off-Agenda item).

Mr. Walker appeared before the Board to explain the reason for his request.

Chairman Murabito asked the Board Members and City Staff to introduce themselves.

Chairman Murabito asked Mr. Walker to elaborate on his request to be the qualified person for a second company. Mr. Walker explained that he and his two sons, Aaron Walker and Andrew Walker, were in business with a fourth partner, Russell Mason. Although Mr. Mason's license was current, he had obtained it by passing a test that is now outdated. Mr. Walker opted to take the Exporior test in Limited Roofing; he received a Certificate of Competency, which allows for work in steep-slope residential roofing.

The original operating company was A-R Roofing, for which Mr. Mason was the qualified person. A second company, American Standard Roofing, was started to allow each of Mr. Walker's sons to work independently of one another in the construction industry. Mr. Walker stated that he is the principal starter in both companies, and a managing partner in one of the companies; he is also part owner in both businesses. When Mr. Mason withdrew as a partner and qualified person of the organizations due to family obligations, Mr. Walker began using his Certificate of Competency from Exporior to meet the testing requirements for licensure.

Since the Board had no further questions for Mr. Walker, Chairman Murabito requested that a motion be presented regarding Mr. Walker's request.

A motion was made by Board Member Coonrod to approve Mr. Walker's request to be allowed to be the qualified person, based on the test results through the Exporior testing agency. Board Member Youle seconded the motion. The motion passed unanimously.

Request by Richard L. Owens, Rolox, to be allowed to be the qualified person for a second company, Wolverine Builders.

Mr. Owens was present to provide information to the Board regarding his request.

Mr. Owens explained that he was the installation manager for Rolox, a company that primarily installs windows, siding and doors. He said that there was additional work that he would like to be permitted to do which is separate from the jobs contracted under the Rolox license. Mr. Owens told the Board that his supervisor was aware of his intent to expand the scope of work that he could do, and was in agreement with Mr. Owens' plan to obtain his own license rather than use the license of the Rolox company.

Board Member Hentzen motioned that Mr. Owens be approved as the qualified person for a second license to be known as Wolverine Builders. The motion was seconded by Board Member Harder. The motion passed, unopposed.

4. Condemnation Hearings

Review Cases

1. 317 S. Dodge

Mr. Francis Buckman was present in behalf of this property.

This property was before the Board for the first time at the May 2, 2005 hearing; it was before the Board again at the July 11, 2005, hearing and then at the September 12, 2005, hearing.

At the September 12, 2005, hearing, Mr. Buckman was present; the Board had approved a motion to make the necessary repairs to the property or reappear before the Board for the October 3, 2005, hearing.

The taxes are current on this property; there is a small amount of junk and debris present on the premises; the repairs have been started. At the last site inspection, a contractor was working on the structure; however, no permits have been issued for the work. On the rear addition, the rafters are being tied in and portions of the roof are being reroofed. The house was being scraped in preparation for painting.

Mr. Buckman said that repairs and clean-up of the premises has exceeded what was shown in the slides presented to the Board. When questioned about obtaining a permit for the repairs, Mr. Buckman said that he had talked with a permit writer in Central Inspection and was told that work under 400 sq. ft. did not require a permit. Ms. Legge asked whether he had explained to the permit writer that there was structural work in addition to the roofing. Mr. Buckman acknowledged that he had not informed the permit writer of the work on the rafters.

Board Member Hartwell made a motion to allow until the November meeting, providing a permit is obtained, for the repairs to be completed.

Board Member Harder made a motion that once a permit is issued for the repairs, the case be turned back to regular code enforcement or reappear before the Board at the November 7, 2005, hearing. Board Member Hartwell rescinded his previous motion. Board Member Coonrod seconded Board Member Harder's motion. The motion carried, unopposed.

New Cases

2. 1227 N. Poplar

There was no one present to represent this property.

This is a one-story frame dwelling approximately 30 x 45 feet in size. It is vacant and open. There is deteriorated, rotted and missing wood siding; there is exposed wall sheathing; the roof is deteriorated with missing shingles and exposed decking. The structure also has missing wood trim. The 9 x 10 accessory building is dilapidated.

The active file was first started on September 20, 1996. Since that time, numerous notices and letters have been sent to the owner. Periodic site inspections showed no repair work having been started. At one time a tree had fallen onto the roof and was removed. There have been no responses to any of the correspondence. The taxes are current. There is an inoperable vehicle, bulky waste and trash on the premises.

Board Member Youle made a motion to refer the property to the City Council for action, ten days to start and ten days to complete demolition. The motion was seconded by Board Member Coonrod. The motion passed unanimously.

3. 1823 S. Waco

There was no one present to represent this property.

Ms. Legge told the Board that she had received a telephone message from the property owner explaining that he was trying to get a demolition permit for the razing of the structure. Ms. Legge informed the Board that the sewer had been sealed and that the property owner was waiting for Westar (electric utility) and Kansas Gas Service (gas utility) to terminate the connections so the required permit could be issued.

Board Member Harder made a motion to refer the property to the City Council for demolition action, ten days to start and ten days to complete demolition. Board Member Coonrod seconded the motion. The motion carried, unopposed.

4. 417 W. Funston

There was no one present to represent this property.

This is a one-story frame dwelling, approximately 25 x 30 feet in size; it is vacant. The structure has rotted, broken and missing siding shingles; the roof is badly deteriorated and has missing shingles and exposed decking. The wooden front porch is deteriorated and there is rotted and missing wood trim. The 8 x 8 accessory building is also deteriorated.

The active file was initiated on this property on October 7, 1996.

Board Member Harder made a motion that the property be referred to the City Council for demolition action, ten days to start and ten days to complete demolition. The motion was seconded by Board Member Banuelos. Motion passed, unopposed.

5. 1802 S. Broadway

There was no one attending to represent this property.

This is a 1-1/2 story frame dwelling, approximately 51 x 81 feet in size. This structure is vacant and open; it was badly damaged by fire. There is rotted and fire-damaged wood siding; there are exposed framing members; the wooden front porch is deteriorated. The roof is also deteriorated and there is fire-damaged wood trim. The 10 x 12 foot accessory building is also deteriorated.

The active was started on this property on April 3, 1996. All attempts to contact the owner were unsuccessful. On April 11, 2005, a site inspection revealed that the house was fire damaged and vacant. The City Council representative for that area requested an emergency board-up be done; the board-up was done on September 9, 2005, at a cost of \$1,175.30. Environmental Services also did nuisance abatement at the same time. A Pre-Condemnation letter was sent on August 24, 2005; there was no response.

There are currently tall weeds on the property and a portion of the privacy fence is falling down.

A motion was made by Board Member Youle to refer the property to the City Council for demolition action, ten days to start and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion passed unanimously.

6. Presentation of proposed adoption of the 2005 NEC, with local amendments, and the updated elevator code by Tom Kerschen, Electrical/Elevator Inspector Supervisor.

Tom Kerschen introduced himself to the Board as the ex-officio for the Board of Electrical Appeals and Supervisor for the Electrical/Elevator Section of Central Inspection.

Mr. Kerschen explained to the Board Members that the Board of Electrical Appeals had gone over the electrical code and the proposed changes in depth and that there were no major changes. Primarily, the effect of the changes that the building contractors will notice will be an increase in fees of the electrical permits on commercial projects. Commercial projects will no longer be on a pro-rated scale, but will be charged according to the scope of work being done. This increase in fees will still leave Wichita approximately 40% less than the fees in other cities comparable to the size of Wichita. The minimum electrical permit fee will remain at \$25.00.

Another proposed change deals with arc-fault circuit breakers for residential construction. In 2002, there was an on-going discussion about the use of arc-fault circuit breakers, with the Wichita Area Builders Association expressing opposition to the requirement of the arc-fault circuit breakers. After meeting with

the Codes Committee of the Wichita Area Builders Association in July of 2005, Mr. Kerschen told the Board that WABA would not oppose the requirement for the arc-fault circuit breakers this year.

Mr. Kerschen went on to explain to the Board that the original opposition was due to the price and reliability of the breakers; the average arc-fault circuit breaker now costs approximately \$25.00, and the reports of problems have been minimal. The average house under 2,000 sq. ft. only needs two of the arc-fault circuit breakers, making the cost far less prohibitive.

Board Member Hentzen inquired whether Mr. Kerschen's presentation was for the purpose of the Board's approval or strictly informational. Mr. Kerschen confirmed that it was for the Board's information only and that approval had already been granted.

Board Member Coonrod asked whether the Board Members would receive copies of the proposed changes to the NEC 2005. The changes, Mr. Kerschen explained, were compiled into a book, approximately 400 pages in length. Board Member Coonrod noted that changes in the building code were normally reviewed as group prior to adoption. Mr. Kerschen verified that the same process was followed by the Electrical Board of Appeals in reviewing the changes and amendments for the electrical code.

The inquiry was raised by Board Member Hentzen regarding the positions making up the Board of Electrical Appeals; he asked if any residential or commercial builders serve on that Board. Mr. Kerschen responded that no builders currently served on the Electrical Board. Board Member Hentzen asked for the names of the current members of the Electrical Board. Mr. Kerschen listed the names of the board members and their positions as follows: Harold Ragland with McBride Electric; Roy Minheart with Shelley Electric; John Whittit with Delta Electric; Larry Clark with Linder and Associates; Jerry Addington, a mobile home service technician; Larry Hackney, formerly of Hackney Electric which is no longer in business; Dale Johnson, electrical engineer.

Board Member Hentzen asked if Mr. Kerschen thought that the overall changes in the electrical code would be drastic. Mr. Kerschen assured the Board Members that the changes would not be significantly noticeable. Most of the changes involved deleting sections and reorganizing the content. The National Electrical Code also better integrates with the building code that is currently enforced in the City of Wichita. Unlike the building codes and plumbing and mechanical codes, there is only one electrical code throughout the nation.

Two items that Board Member Hentzen requested that Mr. Kerschen address, if possible, were smoke detectors and inner-wiring between floors. His inquiry was whether there had been any change regarding either item. Mr. Kerschen said that the electrical code does not address either of those items, rather they are regulated by the IRC.

The issue of the use of exterior outlet covers was also raised by Board Member Hentzen. Mr. Kerschen said the in-use outlet covers, known in the trade as "bubble" covers, are being amended out of the ordinance. There have been tremendous problems with the covers, generally with breakage after only minimal usage, which leaves the outlet without any weather-proofing. The amendment would allow for the regular weather-proof covers to be used on the routine exterior outlets. An item that is plugged in that is unattended, such as low-voltage lighting that is on a timer, would still require a bubble cover.

Another requirement that is being amended out of the electrical code deals with corner-top sinks in houses. Mr. Kerschen said that the new code states that if there is more than 18 inches between the back edge of the sink and the very corner of the wall, an outlet is required behind the sink. It was the opinion of the electrical board that the requirement created more of a problem than a safety issue, thus amending the code to delete the requirement.

At the request of Board Member Hentzen, Mr. Kerschen explained the adoption process for the new electrical code and amendments. Once the City Attorney's office approves the verbiage of the new electrical code and the accompanying amendments, the request for adoption will be placed on the City Council agenda for the Council's approval. The City Attorney's office is currently in the process of reviewing the proposed amendments of the electrical code; the expected target date for the first reading by the City Council is November, 2005, with the expected enforcement date of January, 2006.

Chairman Murabito thanked Mr. Kerschen for taking the time to present the information to the Board.

Board Member Hartwell mentioned his concern regarding recent calls from contractors who have been told that they need to devise shear walls for the structure they are building, citing it as a requirement by their field inspector. Board Member Hartwell was curious as to how the construction had progressed so far before the requirement for shear walls was discovered. He wanted to know how the problem could be resolved at an earlier stage of construction.

Board Member Harder suggested that the dilemma was more of a difference in interpretation by the individual field inspectors, rather than a problem with the actual drawings. In Board Member Harder's opinion, there is a lack of uniformity in the enforcement because there are various translations depending on what area inspector makes the shear wall inspection.

With no further business to discuss, Board Member Hartwell made a motion to adjourn the meeting. The motion was seconded by Board Member Youle. The motion passed unanimously.

The meeting was adjourned at 2:12 p.m.